

May 26, 2022

VIA ECF

The Honorable Jesse M. Furman
 United States District Court
 Southern District of New York
 Thurgood Marshall Courthouse
 40 Foley Square
 New York, New York 10007

Re: *Sjunde AP-Fonden, et al. v. General Electric Co., et al.*, No. 17 Civ. 8457 (JMF)

Dear Judge Furman:

Pursuant to the Civil Case Management Plan and Scheduling Order (“Scheduling Order”) (ECF No. 211), counsel for Plaintiffs and Defendants jointly submit this letter to provide the Court with a brief summary of the status of the case. In response to the Order of May 23, 2022 (ECF No. 328), the Parties believe they can forgo a conference, but are available should the Court find it helpful to discuss any of the matters set forth below.

Existing Deadlines. Pursuant to the Court’s Orders dated April 14, 2022 (ECF No. 317) and May 25, 2022 (ECF No. 330), the following deadlines are applicable to this matter:

Deadline to Answer Complaint	June 10, 2022
Completion of Expert Discovery	July 8, 2022
Motions for Summary Judgment and <i>Daubert</i> motions ¹	September 6, 2022
Summary Judgment and <i>Daubert</i> opposition briefs	November 6, 2022
Summary Judgment and <i>Daubert</i> reply briefs	December 5, 2022

Outstanding Motions. Plaintiffs filed their Motion for Approval of Form and Manner of Class Notice on May 26, 2022 (ECF No. 331) (the “Motion”). Defendants do not oppose the relief sought by Plaintiffs in the Motion.

Status of Discovery. The Parties completed fact discovery in February 2022. Expert discovery is ongoing. On March 11, 2022, Plaintiffs served expert reports from David I. Tabak, Ph.D. and Professor S.P. Kothari. On April 29, 2022, following the Court’s April 11, 2022 order granting Plaintiffs’ motion for class certification and motion for leave to amend, Plaintiffs served supplemental reports from Dr. Tabak and Professor Kothari. On May 20, 2022, Defendants served expert reports from Daniel R. Fischel, Christopher J. Russo, Mark A. Sunshine, and Brad Mroski, CPA, CFE. Reply reports are due on June 10, 2022, and the Parties expect to complete expert discovery by the July 8, 2022 deadline.

¹ While the Court’s April 14, 2022 Order does not explicitly reference *Daubert* motions, the Scheduling Order contemplates such motions being filed and briefed contemporaneously with motions for summary judgment. See ECF No. 211 at ¶13.

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Settlement. As the Parties stated in their letter dated February 3, 2022 (ECF No. 293), counsel for Plaintiffs and Defendants engaged in telephonic settlement discussions on February 2, 2022 for approximately thirty minutes. The parties continue to believe that it will be more productive to engage in formal discussions regarding settlement after the completion of expert discovery. To that end, the parties intend to engage in more formal settlement discussions in the summer, coinciding with the close of expert discovery.

Length of Trial. The present best estimate of the length of a trial is fifteen trial days. The case is to be tried to a jury. Plaintiffs respectfully request that the Court set a date for the commencement of trial that is no later than ninety days after the conclusion of summary judgment briefing. Defendants have no opposition to setting a trial date promptly after summary judgment is complete, but believe a trial date should be set for a time reasonably after a decision on summary judgment, which may obviate the need for trial altogether, or significantly impact the scope of issues to be tried, in line with paragraphs 14 and 16 of the Court's Scheduling Order.

Summary Judgment. The Parties will file summary judgment motions in accordance with the schedule set forth in the Court's April 14, 2022 Order (ECF No. 317). As noted above, the Parties also agree to file any *Daubert* motions by September 6, 2022 and to brief any such motions in accordance with the summary judgment briefing schedule. Additionally, in light of the complexity of the issues and the extensive discovery conducted in this case, the Parties respectfully request that their memoranda of law in support of and in opposition to their summary judgment motions be limited to 50 pages, and that reply memoranda be limited to 25 pages. The Parties can also submit a letter motion or stipulation regarding this matter to the Court.

Additional Matters. The Parties do not have any additional matters to raise with the Court at this time.

Respectfully submitted,

KESSLER TOPAZ MELTZER & CHECK, LLP

By: S/ Sharan Nirmul²
Sharan Nirmul
280 King of Prussia Road
Radnor, PA 19087
Tel: (610) 667-7706
Fax: (610) 667-7056
Email: snirmul@ktmc.com

*Counsel for Class Representative Sjunde AP-
Fonden and Lead Counsel for the Class*

LATHAM & WATKINS LLP

By: S/ Sean M. Berkowitz
Sean M. Berkowitz (*pro hac vice*)
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Tel: (312) 876-7700
Fax: (312) 993-9767
Email: sean.berkowitz@lw.com

*Counsel for Defendants General Electric
Company and Jeffrey S. Bornstein*

² The parties use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.

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GRANT & EISENHOFER P.A.

By: S/Daniel Berger
Daniel Berger
485 Lexington Avenue
New York, NY 10017
Tel: (646) 722-8500
Fax: (610) 722-8501
Email: dberger@gelaw.com

*Counsel for Class Representative The Cleveland
Bakers and Teamsters Pension Fund and Liaison
Counsel for the Class*

cc: All counsel of record (via ECF)